



California Fair Political Practices Commission

July 18, 1991

Gladys M. Houston
Deputy County Counsel
County of Alameda
1221 Oak Street
Oakland, CA 94612

RE: Your Request for
Informal Assistance
Our File No. I-91-318

Dear Ms. Houston:

You have requested advice under the conflict of interest provisions of the Political Reform Act.^{1/} Because your question is general in nature, we consider your letter to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed).^{2/}

QUESTION

Does the County Clerk have the sole authority to destroy copies of statements of economic interests after four years from the filing deadline if the statements have not been microfilmed?

CONCLUSION

Under the provisions of the Political Reform Act, filing officers/officials must retain copies of statements of economic interests for four years from the filing deadline. The Commission has no authority to interpret Government Code Sections 26202, 26205, and 26205.1.

1/ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

2/ Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c).)

Gladys M. Houston
Page 2

ANALYSIS

As defined in Regulation 18115 (copy enclosed), a filing officer is the person or agency which receives and retains original statements of economic interests. (Section 87500.) The filing official is the person or agency which receives original statements of economic interests and is required to make and retain copies of the statements and forward the originals to the filing officer. Because many county clerks receive and retain both originals and copies of statements of economic interests, they may be both a filing officer and a filing official.

Filing officials are required to retain copies of reports or statements for a period of not less than four years. (Section 81009(f).) After an original report or statement or a copy has been on file for at least two years, the officer may retain a copy on microfilm or other space-saving materials available for public inspection instead of the original or copy. (Section 81009(g).)

The Act requires only that copies of reports or statements be retained for not less than four years. Other provisions of the law (Government Code Sections 26202,, 26205, and 26205.1) appear to impose restrictions on the destruction of documents. The Commission has no authority to interpret these provisions of the law.

I hope the information provided in this letter has been helpful. If you have any additional questions, please contact me at (916) 322-5662.

Sincerely,

Scott Hallabrin
Acting General Counsel



By: Linda Moureaux
Political Reform Consultant

Enclosures

18329(c)
18115

July 1991

Gladys M. Houston
Deputy County Counsel
County of Alameda
1221 Oak Street
Oakland, CA 94612

RE: Your Request for Informal Advice
Our File No. I-91-318

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QUESTION

Does the County Clerk have the sole authority to destroy copies of statements of economic interests after four years from the filing deadline if the statements have not been microfilmed?

CONCLUSION

Under the provisions of the Political Reform Act, ^{for} ~~filing~~ ^{must retain} officers/officials ~~may destroy~~ copies of statements of economic interests ~~after four years from the filing deadline, without microfilming.~~ ^X The Commission has no authority to interpret Government Code Sections 26202, 26205, and 26205.1. ^{-STET}

*included in
Analysis as shown*

1/ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

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Insert from facing page →
Under Section 81009(f), the county clerk may destroy copies of statements of economic interests after four years without microfilming.

(Insert)
I hope the information provided in this letter has been helpful. If you have any additional questions, please contact me at (916) 322-5662.

Sincerely,

Scott Hallabrin
Acting General Counsel

By: Linda Moureaux
Political Reform Consultant

Enclosures

Because of ~~your~~ the above response to your first question, a response to ~~your~~ ^{the} second question in your letter is not necessary. ~~However~~ Furthermore, the Commission has no authority to interpret Government Code sections 26202, 26205, and 26205.1



COUNTY COUNSEL

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KELVIN H. BOOTY, JR.
COUNTY COUNSEL

JUN 21 1991

June 24, 1991

FAIR POLITICAL PRACTICES COMMISSION

Legal Division

Regulations, Opinions and Advice Letters

P.O. Box 807

Sacramento, CA 95804

Re: Destruction of Statements of Economic Interest

To Whom It May Concern:

Sections 81009 and 87500(e) of the Government Code provides for the preservation and maintenance of statements of economic interest.

Your opinion is appreciated as to the following questions concerning the copies we maintain pursuant to Government Code 87500(e):

1. Does the County Clerk have the sole authority to destroy said statements upon the expiration of four years after the date of filing without microfilming?
2. If not, are we required to follow the statutory provisions of Government Code 26202, 26205, 26205.1?

Thank you for your assistance.

Very truly yours,

KELVIN H. BOOTY, JR.
County Counsel

By: 
GLADYS M. HOUSTON
Deputy County Counsel

GMH/fyc

cc: G. De Maria, Chief Dep. Clerk